organise a new fire hydrant company. To Committee on ire Department.

By Alderman Tween—Petition of Christopher F. Klenck, be appointed Commissioner of Deeds. To Committee on lairies and Offices.

An invitation was received to attend the semi-annual ramination about to take place of the students of the Free cademy, on and from the libth inst. Accepted.

ACTS.

The following acts were received from the Deputy Secretary of State as having passed the Legislature, vir.—To dide the Nincteensh ward into two wards. To regulate the ses of the ascessor of the Street Department. Ordered on le and printed in the minutes.

RESOLUTIONS.

ever it can be done without too great a sacrifice, therefore be it
Resolved. That Beekman street be extended through and across the Fark, in a direct line to the head of Fark place, at Broadway, and that Fark place be opened and extended through the college grounds to the head of Robinson attreet, at College place, and that Robinson street be widened to the same widel as Fark place, from College place to the river; and also, that the lower end of the Fark, which would be left by thus extending Beekman street, he propared and leased to the various city railroads, for a city railroad depot, upon such terms and conditions as will be best for the interest of the city. Actorred to Committee on Streets.

By Alderman College and to induce the Commissioner of Repairs and Supplies be and is bareby directed to advertise for proposals, and to contract for the laying down of a square granite thock pavement in Broadway, between Franklin and Canal streets, the same to be a substitute for what is known and designated as the Ferrine pavement, and pavement to be laid down to be similar to that laid in the Bowery, between Bayard and Walker streets. Adopted.

what is knewn and designated as the Perrine pavement, and pavement to be lain down to be similar to that laid in the Bowery, between Bayard and Waiker streets. Adopted. Rankon-Arions.

Resignation of Wm. D. Scalley, of the office of Messenger to the Board of Aldermen. Accepted.

Message was received from the Mayor relative to securing a suitable locality for the temporary deposit of the offia, do., from the city. Whereupon Alderman Oaklay presented the following resolution, viz.—

Resolved, That the Comptrolier be, and he is hereby directed to purchase the lease of the twenty-one lots on the north side of Forty lifth street, running from First arenue to the East river, and between Forty-fith and Forty sixth ettrets, at a price not to exceed \$7.000, and that the same be designated as a depot for Wm. B. Reynolds, contractor for the removal of offial, dead animals, and other nuisances from the city, conditioned that said loase be assigned to said Reynolds on the same terms as those now conditioned by the present lessee. Which was adopted on a division, viz.—

Anismative—Alderman Moore, Haloy, Surtrevant, Oakley, Boyce, Barr, Tweed, Brinley, Francis, Bard, Ward, Boyman, Carroll, Alvord—14.

A message was received from the Mayor relative to assigning rooms for the accommodation of jurors. To Committee on Repairs and Supplies.

A message was received from the Mayor relative to the visit of the President of the United States to the city, Whereupon Alderman Brisley, presented the following premise and resolution, viz.—

Whereas, it has been officially communicated to the Common Councell that his axecllency Franklin Pierce, President of the United States, has expressed his intention of visiting this city in the course of a lew days, and whereas, it is due to the Chief Magistrate of this great republic that suitable demensivations of respect ane attention should, on all occasions and under all circumstances be extended to him therefore be it.

Recoived, That if the Board of Assistants concur, a joint committee of five fr

Alvord-12.

Negative-Alderman Boyce-1.

Aldermen Brisley, Moore, Barr, Sturtevant and Alvord.

Were appointed such committee.

Bulesquestiy said vote was reconsidered, and the resolution declared lost for want of a constitutional vote.

The following message was received from his Honor the

Mayor, vit.:-

The following message was received from his Honor the Mayor, via.:—

MAYON'S OFFICE, July 6, 1853.

TO THE HON. BOARD OF ALDERNEN.—

Gentlemen—I return herewith a report and ordinance for the construction of a sewer in Basicord street, from Carmine to Christopher street. On examinating of the papers submitted to me I find that met. The parent of the papers and mitted to me I find that met. The parent of the papers and owners to sign while a very large majority of person who own the property of the time of the Proposed sewer remonstrate strongly against it, as being entirely unnecessary, and putting these circumstances, and in further view of the fact that the construction of a sewer in Bedford street does not appear to be called for by any consideration of public health of public benedit. I return the papers without my approval.

Which was directed to be entered at length on the minutes, and published in the public newspapers.

From Croton Aqueduct Department—Relative to closing the distributing reservoir. To Committee on Croton Aqueduct Department.

From Comptroller—Relative to the establishment of bureau for anothing accounts. Laid on the table, and directed to be printed.

From some — With returns of receipts of the Sixth and

From Comptroller—Relative to the establishment of bureau for auditingaccounts. Laid on the table, and directed to be printed.

From same—With returns of receipts of the Sixth and Elghth avenue railroads for month of June, 1853. Entered on the minutes.

From the Chief Engineer—Relative to the fire tolegraph meed in the department. To Committee on Fire Department.

From Counsel to Corporation—For an appropriation of 2826, for fixing up sooms gecupied by him. Adopted on a division, viz.—

Afternative—Aldermen Mocre, Haley, Sturtevant, Oakley.

division, vis:— Assessments— With orfinace amanding sundry ordinances for rogarithm of surfaces and contracts made by said Department, Denman, Cornell Alvord—15.

From Corona Aqueduct Department—With abstract of estimates received and contracts made by said Department, for the month of June, 1853. Ordered on file.

From Bureau of Assessments—With orfinance amanding sundry ordinances for regulating, &c. of streets, by appointing discreta assessors and the expresse thereof. Adopted on a division, vis:—

Affirmative—Aldermen Moore, Haley, Sturtovant, Oakley, Beyce, Barr, Tweed, Brisley, Francis, Pearsall, Bard, Ward, Denman, Cornell—14.

by Boyce, Barr, Tweed, Brissey, Finance, Vard, Deaman, Cornell—14.

Faron Board of Assistants.

Report of Committee on Wharves, Pierr and Slips—Relative autention of bulkhead from Troy to Hammond street.

Secured is on a division, vir.—

A firm Wre—Alderman Moore, Haley, Stuttevant, Onlicy,

lane Rétuvits collector thereon. To Committee on Sewert. Bapert of Committee on Assessments—In Rayor of confirm. In purior assessment i litta outmerated in minutes of said Board, and 16, 1853, and appointing Isaac Edwards collector. To Committee on Assessments. Potter of Mr. Barther and others to have maken 16ts on each twent corner of Twenty third asreet and Pirst avenue filled in referred to City Impactor with power by and Board was referred to Committee on Public Health Baport of Committee on Streets—In favor of fagging sidewalks, So., in avenue D and Third street. To Committee on Streets.

sidewalks, &c., in avenue D and Third street. To Committee in Streets.

Report of Committee on Streets—In favor of laying sreems all from west side of Suffolk street agrees Division streets. To Committee on Streets.

Report of Committee on Streets.

Report of Committee on Wharves, &c.—In favor of grauting exclusive use of pier No 38 M. R., to George C. Byras, &c. To Committee on Wharves, &c.

Report of Committee on Wharves, acc.

Report of Committee on Streets—In favor of parmitting are bouse corner of University place and Ninth street. Lost Report of Committee on Streets—In favor of flagging side walk on south side of Ninetcenth street. 100 feet east of the corner of Second avenue. To Committee on Streets.

Report of Committee on Finance—In favor of reducing personal tax of Caroline Ingersell for 1801. To Committee on Finance.

Report of Committee on Wharves. Ac.—Upon claim for Report of Committee on Wharves. Ac.—Upon claim for

Report of Committee on Pinance—In favor of reducing personal tax of Caroline Ingersell for ISO1. To Committee on Pinance.
Report of Committee on Wharves, &c.—Upon claim for greater depth of block at the outer end of pier No. 20 North river. To Committee on Wharves &c.
Report of Committee on Sewere—In favor of building sewer in Rivington street, from Sheriff to Clinton street. To Committee on Sewere.
Report of Committee on Salaries and Offices—In favor of raising salary of lamplighters from \$1 35 to \$1.30 per day. To Committee on Salaries and Offices—In favor of raising salary of Lamplighters from \$1 30 to \$1.30 per day. To Committee on Salaries and Offices—In favor of raising salary of Lamplightee on Public Health.
To Committee on Public Health.
Report derected to repair the manufacture of Twenty ninth street, between Ninth and Tenth avenues, be filled immediately. To Committee on Public Health.
Report of Committee on Public Health.
Report of Committee on Assessments—In favor of paying \$200 (600 to Jola Pettigrew, as amount due on contract for the regulating of Second avenue. Adopted on a division viz —
Mirmative—Aldermen Moore, Ifaley, Sturtevant, Oakley, Boyce, Barr, Tweed Brisley, Francis, Pearsall, Bard, Ward, Bomman, Cornell—Is.

MOTION.
Aldermen Francis moved to take up document 30, the same being the report of Committee on Streets, in favor of widening Dance street, on the northerly side, from Broadway to Hudson street. Carried.
The same, after consideration, was adopted on a division, the same being the report of Committee on Streets, in favor of the same being the report of Committee on Streets, in favor of the same being the report of Committee on Streets, in favor of the same being the report of Committee on Streets, in favor of the same being the report of Committee on Streets, in favor of the same being the report of Committee on Streets, in favor of the same being the report of Committee on Streets, in favor of the same being the report of Committee on Streets, in favor of the same being the same

vis:—
Affirmative—Aldermen Moore, Haley, Sturtevant, Oakloy,
Bojos, Tweed, Brisley, Francis, Pearcall, Bard, Ward, Denman, Cornell—13.
Negative—Alderman Barr—1.
REPORTS.
Of Committee on Streets—In favor of changing the line of
the widening of Whitchall street. Adopted on a division,
vis.:—

Cornell—12.

Of Special Committee on Obsequies of the late Hon Daniel Webater, with the cration, funeral notices, &c. Laid on the table, and 2 000 copies directed to be pricted.

On motion, the Beard them adjourned until Friday, 8th inst., at five o'clock P. M.

D. T VALENTINE, Clerk C. C.

BOARD OF ASSISTANT ALDERMEN, Wednesday, July 6, 1833.

Present—Jonathan Trotter, Eq., President, in the chair, and Assissant Alderman Brown, Tait, Mabbatt, O'Srien, Mabe, Bresden, Woodward, King, Wells, Hunt, Bouten, McGown, Stewart, Wheelan, Barker, Rogers, Crawford and McConkey.

Mabey, Breades, Woodward, Ring, Wells, Hunt, Bouten, McGown, Stewart, Wheelan, Barker, Rogers, Crawford and McConkey.

By Assistant Alderman Woodward—Of J. Johnson & Son, and others, to have piers Nos. 37 and 38, East river, extended to exterior line. To Committee on Wharvos, &c. By Assistant Alderman Rino—Of Issao Jollie, to have the word "expelled," on Fireman's register, opposite his name, changed to "resigned." Granted.

By Assistant Alderman McGown—Of Josoph C. Pfack, and the contract to regulate Fifty second street be re-let. To Street Commissioner to report.

By Assistant Alderman Chawoun—Of Calvin Walcott, for basin and culvert, corner of Fifteenth street and Third avenue. To Committee on Sewers.

By Assistant Alderman O'Brita—That the sewer now being built on the east side of the Bowery, between Broome and Rivington streets, be extended porthward to one hundred feet beyond Stanton street. To Committee on Sewers.

By Assistant Alderman Chawoun—That the vacant lote Nos. 6 and 8 East Twenty fifth street, between Fourth and Madison avenues, and one in the rear thereof, be fenced. To Committee on Streets.

By assistant Alderman Chawoun—That the vacant lote Nos. 6 and 8 East Twenty fifth street, between Fourth and Madison avenues, and one in the rear thereof, be fenced. To Committee on Streets.

By assistant Alderman Woodward—Whereas, Franklin Pierce, President of the United States, is expected to visit the eity of New York on the opening of the Crystal Palace; and whereas, it is susual for the Commissioned to the crystal Palace; and whereas, it is susual for the Commissioned for the propriated, to a committee of five be appointed, to take some appropriate measures to receive him in a manner sultable to his high office.

Resolved, That \$5,000 be, and the same is hereby appropriated, to Commissioner of Repairs and Supplies. Adopted by the following vote:—

Affirmative—The President Miesers. Brown, Tait, O'Brian, Maybee, Breaden. Woodward, Wells. Hunt, Bouton. Mo

the requisition of the Commissioner of Repairs and Supplies.
Adopted by the following vote:

Affirmative—The President Messrs. Brown, Tait, O'Brien,
Maybee, Breaden, Woodward, Wells. Hunt. Bouton, Mo
Gown, Stewart, Wheelan, Barker, Rogers, O'Keefe, and
McConkey—Ir.

Negative—Assistant Aldermen Mabhatt, and Ring—2.
By Assistant Alderman Bours.—That the carriage way
in Twenty-first street, from Sixth to Eighth avenue, be
repaired. Adopted.

PRITTION.

By Assistant Alderman Bourton—Of Denton Pearsall,
and others, for change of route of Second avenue railroad,
instead of running through Front street, from Roosevelt street
to Peck slip, to ron through bouth street, from Roosevelt street
to Peck slip. To Committee on Streets.

instead of running size of the process of the proce

walks from Sixth avenue to Broadway, a space four feet wide: to concur to have the actual opening of Sixty second street, between Fitch and Eighth avenue, take place forthwith. All adopted, each by the following vote—

Afirmative—The Fresident Mesers. Brown, Tait Mabbatt, O'Brien, Maybee, Breaden, Woodward, Ring, Wells, Hunt, Bouton, McGown, Stewart, Wheelen, Barker, Rogers, O'Keefe, and McConkey—19.

Of same—In favor of permitting Sixth Avenue Railroad Company to pave Sixth avenue, between Forty-third and Forty fourth streets, and set curb and gutter therein; to cencur to permit James Walkley to flag in front of his premises, in Forty-minth street, between Sixth and Seventh avenues. All adopted.

By same—To concur to pay contractor the amount due on his contract for requiating Forty-second street, between Second and Third avenues. Adopted by the following vote—Affirmative—The President Mesers Brown, Tait Mabbatt, O'Brien, Maybee, Breaden, Woodward, Ring, Wells, Hunt, Bouton, McGown, Stewart, Wheelan, Barker, Rogers, O'Keefe, and McConkey—19.

Of Committee on Finance—To concur to reduce personal tax against Henry H. Morange; to remit personal tax against Henry H. Morange; to remit personal tax against Henry H. Morange; to remit personal tax against Francis Colton for 1802; against Benj. Albrofor INS2: in favor of remitting tax of S1,000 against P. Coyle, for 1802, to release tax against John Feener, to remit tax on the estate of Mr. Williams. All adopted, each by the following vote—Affirmative—The President, Mesers, Brown, Tait, Mabbat, O'Brien, Maybee, Breaden, Woodward, Ring, Wells, Hunt, Bouton, McGown, Stewart, Wheelan, Barker, Rogers, O'Keefe and McConkey—19.

Of Committee on Public Health—In favor of concurring with Board of Aldermen on communication of the City Inspector, in relation to the contract for removing dead animals, directing Wm. B. Reynolds to proceed with his contract, &c. Adopted by the following vote—Affirmative—Mesers Brown, Tait, Mabbatt, O'Brien, Maybee, Breaden, Woodward, Ring, Wells, H

key-3.
The Board then adjourned to Thursday afternoon, at 6 o'clock. From the minutes.
C. T. McCLENACHAN, Clerk. An Appropriation to Entertain the President

Refused by the Board. DEBATES IN THE BOARD OF ALDERMEN.

[Our Special Report.]
Alderman Tweed in the chair.
A message from his Honor the Mayor was read, intimating that the President of the United States would visit this city in a few days, for the purpose of opening the World's Fair, and recommended an appropriation be

made to receive him in a proper manner.

Alderman Brusley offered a resolution inviting the President to partake of the hospitality of the city, and ap-propriating blank number of dollars to entertain him. Alderman Barr moved to fill up the blank, and insert \$5,000. Carried.
Alderman DENMAN moved to strike out \$5,000, and in-

sert \$3,000. Lost.
Alderman Bassley moved for the adoption of the reso

and serial Basser moved for the adoption of the resolution.

Alderman Basser moved for the adoption of the resolution.

Alderman Wards—The amended charter does not permit us to make any appropriations, except those designated by that act. It also requires a two third vote of the whole board to pass the resolution.

The Clerk then called the roll—twelve voted for the appropriations, and three against it.

Alderman Wards said that the vote was not a legal one, as it required, by the amended charter, a two-third vote of the entire board to appropriate money for any object. The Charmsan, in a loud voice, said that the resolution was carried, and he should decide it as so.

A Member then called for a vote on the opinion of the Chair—whether they would uphold him or not.

The Clerk then called for a vote on the opinion of the Chair—whether they would uphold him or not.

The Clerk then called the roll which resulted as follows—For sustaining the Chair, Aldermen Moore, Brisley and Cornell; against Aldermen Henley, Startevant, Oakley, Boyce, Barr, Francis, Pearsall, Bard, Ward, Denman, and Alvord.

The opinion of the chair not being sustained, the resolution was lost.

Aldermen Alvord, moved for a reconsideration of the resolution, but his motion was declared to be out of order by the chair.

The Board, after the transaction of some other unimportant business, adjourned until Friday evening next.

Before Hon. Judge Edmonds.
THE RUSS TAVEMENT IN THE BOWERY—THE INJUNCTION DISSOLVED.

We reported last week that Judge Edmonds had
rendered a decision in the case of De Bawn and
others against Russ & Reid, and we are now
enabled to give the opinion of the learned Judge in
extenso. It is a very important document, and in
those days of rampant injunctions upon every project and enterprise of our city, it will be read by
lawvers and lawnen with very great interest.

those days of rampant injunctions upon every project and enterprise of our city, it will be read by lawyers and laymen with very great interest.

OPPINION OF JUDGE EDMONDE.

In this case, these plaintiffs, as tax payers in the city of New York, for themselves and other tax payers, have filed a complaint, asking that the Common Council of the city may be restrained from making a contract with the defendants, Russ & Reid, for laying a portion of the streets with the Russ payement. A preliminary injunction is not asked for, but a permanent one, to restrain the defendants from acting under a resolution then pending in the Common Council, and not finally acted upon; and it is also prayed that such resolution, thus incomplete, may be adjudged by this Court to be corrupt, fraudulent, and void. The grounds on which this relief is sought are briefly these:—

1. That the taxes of the city have, within the past few years, greatly increased, by reason of the waste, negligence, and corruption of the Common Council.

2. That there were two applications before the Common Council, whereby the work proposed could have been done much cheaper, and they were improperly rejected.

3. That the resolution in question was sought to be passed by direct bribery, from Russ & Ried, to the majority of the Common Council.

4. That the price proposed to be paid to Russ & Reid, was excessive and unreasonable, and was so made for the purpose of enabling them thus to bribe the Common Council.

5. That the resolution is illegal, as it violates several provisions of the statute, namely, that it is not based on statements previously made by the proper executive officer, that it usurps executive power, and that it takes the power from the officer to whom it properly belongs, and confers it on one to whose department it does not belong.

6. That the resolution was finally hurried through the Common Council, in order to evade a bill then pending in the Legislature, and subsequently passed into a law.

Such is the case, as presented on the part of the

Such is the case, as presented on the part of the plaintiffs, on which, without barning the defendants, they were restrained by a preliminary injunction. The deiendants have, however, now been heard before me, and I shall inquire, first, how the case stands under their explanations and answer; and, second, how far it is completent, or proper for the Court to interfere in the case thus made out by the evidence on both sides. As to the first allegation, that the taxes have greatly increased within a few years, by the waste, negligence, and corruption of the Common Council, no answer is made. The charge extends back a period of eight years, and none of the parties to this suit seem to feel themselves called upon to defend the former members of the Common Council from this sweeping charge. And, if that part of the complaint had not been stricken out, as irrelevant to the matter in hand, I should be obliged now, to hold those persons who are now in court, and cannot be heard on the charge, as confessedly guilty, of most foul corruption. It is painful enough for me to meet with charges of corruption so freely made against those who at present constitute our chief municipal authority. But it would be still more painful if I were compelled to regard the charge as distinctly made out against all who have administered our affairs for the last eight years. I am, however, saved that necessity, by the amendment that has been made, though I must not overlook the fact that the charge was in the complaint, and could not then be erased when the application was originally made and granted for the preliminary injunction. As to the second charge, that other proposals, more advantageous to the city, were rejected, it is answered that Russ has a patent right, and, under the supreme law of the land, a monopoly for making that peculiar form of pavement, and that under those laws he has the same right that every other holder of a patent in the country has, to demand compensation for his invention. As to the burth charge, that the price

second proposition is that the resolution usurps exceutive power. The first section of the Act of 1849
vests the legislative nower of the Corporation in the
Common Council, and the ninth section vests the executive power in the Mayor and heads of departments, and probibits the Common Council or any of
its committees or members from performing any executive business whatever, except such as may be
specially imposed on them by the laws of the State.
The statute is very indefinite as to what is executive and what legislative power. One thing
seems certain, that all appropriations of money
is clearly legislative, while the "opening, regulating and paving streets," and providing supplies for them, are executive. The legislative
power is nowhere defined; but there are various provisions establishing executive departments, and defining their respective duties; whence it would seem
that what is not thus defined as executive must continue to be legislative—for the reason that when the
act passed, the Common Council was the general
receptacle for municipal power, and the departments
took only what was expressly given them. To that
effect is section 21, which declares that the several
executive departments, and the officers and clerks
thereof, shall te subject to the legislative regulation
and direction of the Common Council, so far as the
same shall not be inconsistent with that act. Thus
it is manifest that the general regulation and direction of the several executive departments is a part
of the legislative province of the Common Council, to
the common council of the resolution but it is instated the designation of the
persons who are to do it, and the price at which it is
to be done, are executive, and therefore belong to
the Common Council might direct that the pavements
should be laid, but that it was for the head of the
department to determine who should do it, and
on what terms, and that the only remaining power
of the Common Council mould be to appropriate the money which might make, the t

til hase trembled for the prices and that it has been the duty which has devolved upon the visest and most substary principles of our institutions has been the duty which has devolved upon the judiciary, of restraining executive or legislative usurpation upon constitutional law. Unfortunately there has been nothing but its own sense of propriety to restrain judicial marpation, and its usual mode hitherto of restraining the other departments has been not by prohibiting the sof, but by declaring it void, and that no rights could be acquired under it. Thus it was that the Supreme Court of the United States nullified our districtions we do a could be acquired under it. Thus it was that the Supreme Court of Appeals overthrow the act for the enlargement of our canals. This principle of our institutions we do not inherit from England. With the great mass of the common law which governs us, for there the Parliament was regarded as omnipotent, but it is in a great measure indigenous to our country, arising from the fact of our having written constitutions designating the powers and duties of the different departments of government. It was put forth in the Federalist, No. Thand in itself the property of the different departments of government. It was put forth in the Federalist, No. Thand in itself the property of the courts of the different departments of government. It was put forth in the Federalist, No. Thand in itself the property of the courts of the different department of the different department of the different property of the courts of the different property of the courts of the different property of disclosures, and almost, if not uniformly, not by restraining legislative action, but by declaring it voids (Now, even if it were in the power of the courts to rastrain legislative action, and against which there was no other remedy that only an experience of the courts of the courts of the courts of the different property of the different property and the property of the different property of the different proper

percent in the process of infunction was too
peremptory and powerful in its effects to be used in
such a case without the clearest sanction, and that
he should better consult the stability and utility of
the power of the Court by not stretching them beyond the limits prescribed by the precedents. Such
was the state of the law when our Revised Statutes

the power of the Court by not stretching them beyond the limits prescribed by the precedents. Such was the state of the law when our Revised Statutes were proposed, and they provided an adequate remedy, and regulated its exercise in the case of all corporate usurpations, except only in cases of libraries, religious societies, and certain schools. Why should this statute be entirely disregarded and virtually be repealed, as it will be, if such proceedings as this be sanctioned. If these plaintiffs, or any other tax payer, has cause of complaint, their remedy is very plain. Let them go to the Attorney General, the law officer of the State, and in the language of the statute, give him "satisfactory proof that the defendants complained of have usurped, exercised or claimed any franchise, privilege, liberty, or corporate right not granted them," and then it will at once be his duty to intervene, and by taking proper proceedings in behalf of the whole people, save the infinite confusion and mischief that must spring up from tolerating a practice unprecedented in courts on this side the water: and which opens an endless flood of litigation to thousands upon thousands of cases. I repeat that if this proceeding can be sustained, it will be virtually repealing, and, at least, entirely disregarding a very important statute, under which we have acted for near a quarter of a century, and which was regarded at the time, and justly so, too, as a wise reform in the law touching corporations—a reform which the British legislature afterwards followed, and which has been to calcutary in its action with us to be slighted or disregarded. For these two reasons, then, first, that the uniform practice of our courts, since the establishment of our institutions, has been to reach void enactments by declaring them woid after they are passed, and not by restraining them while in process of legislation; and second, because our Legislature has provided an ample remedy, which this proceeding interferes with, I am of opinion that the injuncti

and without injury, laid before them, on appeal from my decision.

Theatrical and Musical.

Bowery Theatric.—The entertainments announced for this evening by Manager Stevens are such as cannot fail to fraw a large assemblage. The first pices is the nautical drama entitled the "The Lost Sheap," which will be succeeded by the musical drama of the "Wandering Boys," and the amusements will terminate with the comedista, called "No" Mr. Eddy, Mrs. Farker, Miss Deain, and other favorites are to appear.

BROADWAY THRATHS.—Mr. and Mrs. Williams, who are playing to fine houses every night, and are received with the greatest enthusiasm, are announced to appear to-sight in three very attractive pieces, namely, "Shandy McGuire." "In and out of Place," and "Irish Assanance." Mr. Williams is becoming more popular every day, and seems to work hard in his professional career, in order to please his numerous patrons, and Mrs. Williams stands without a rival in heer representations of Yarkee character. They are both very industrious, and are reaping the benefits of their dramatic labors.

NATIONAL THEATHE—This establishment continues to be largely patronised, which is owing to the great industry of Manager Purdy, who is always on the alert to produce every novelty. He announces for this evening, the excellant drama called the "Rag Plekees of Paris." with Mr. J. R. Scott, as Father Jean and Mrs. Nichola as Marie. The next piece is called "A S. S.," and the amusements will terminate with the "Phantom Breakfast."

Amenaca Museum.—The dramatic performances announced for this afterneon and evening consist of "His Lest Léga, the "Irish Tutor," and the beautiful comedy called "Sweethearts and Wives." The bearded woman is still being exhibited, an 1 is drawing well, as also the famous Happy Family.

Francon's Hippodroms.—The excitement to witness the performances at this establishment continues almost as great as ever. The programme for this evening.

Wood's Missermus continue to attract highly respectable sudiences, and their performanc

also several articles, used by the Indians for comestic purposes, found petrified.

Fall and Accident — Last evening a boy named Thompson, fell from a carriage going up Bergen Hill, and striking one of the wheels in his descent, broke a leg and danger onely wounded his head. He was conveyed to a house near, and proper assistance rendered.

ROBERD.—A man named John Sartis, hailing from New Brunawick, N. J., was robbed last night, on Hudson street, of a wallet containing \$15 in bank bills. The thieves made a successful escape, though pursued by Sartin.

Domnestic Bilscellany.

Two Iriahmen, named Michael and Daniel Mooney, got into a fight at Wallingsford, Conn, on the 2d instact, during which Michael stabbed his antagonist with a bayener, which caused his death. Michael was committed to answer the charge of murder.

The wool clip of Maine will be less this year than formerly, on account of the short crop of hay and the great descent for murities.

Port of New York, July 6, 1853.

CLEARED.

Ships—Western Empire, Watts, Liverpeel, Nesmith & Sons, New England, Orr. Quebec, Nesmith & Sons, Sultara, Barrett, Antwerp, Schmidt & Balchen; Sea Kanger (new). Lothrop, Australia, R W Cameron, South Caro (new). Lothrop, Australia, R W Cameron, South Caro (like Stewart, Antwerp, E D Hurlbut & Co: Elizabeth Hamilton, Jones, Wallace, NS, A G Benson; Marshueld, Torrey, Bic. J O Baker & Co; Patriot (Brem), Cassons, Bahimore, Wm Heyer; Onward, Cotting, New London, Wellington & Abbott.

Barks—Nacocchee, Thorp, Neuvitas, Simpson, Maynew & Co; Lucinda Sears, Seara, Marseilles, J B Sardy; Anna (Brem), Evers Bremen, Hennings, Muller & Gosliog; Mary Antonette (Ham), Rickmers, Valparaiso, Funch & Meincke.

Brigs—Montilla, Jordan, Darien, H D Brookman & Co; Bellons, Vosts, Havana, Funch & Meincke.

Schrs—W H Smith, Wystt, Wilmington, Dollner & Potter; Harvest, Presbury, Taunton, master; Cape Cod, Kelley, Boston, master; Ellen Rodman, Osgood, New Bedford, master; D W Bagley, Grown, Plymouth, master; Sarah Elizabeth, Smith, New Haven, master; Reindeer, Cathcart, Jacksonville, Slaght & Edwards; British Queen (Br), Johnson, Eleuthera, Eness & Hutchings; Arctic (Br), Saunders Aleuco, C Ackerly; Richard C.been (Br), Chishoim, Londonderry, J S Whitney & Co. Isabella, Arbecan, Boston, Dayton & Sprague; G C Ackerly, Baldwin, Key West, Foster & Nickerson; Village Belle, Wedmore, Eleuthera, R J & S Godwin.

Sloop—Pointer, Fowier, Providence, master.

Steamers—Kennebec, Hand, Philadelphia, Oneda, O'Neil, Philadelphia, J & N Briggs.

Cleared yesterday—Ship Commerce, Lovell, Havarpool, R P Buck & Co.

ARRIVED.

Ship Cliften, Logercoll, New Orleans, June 18, to Standar, Antonic Marchen, Landar Colege, Landar C. La

Schr John C Wade (Br), Clark, St Andrew, NB, 9 days of Jed Frye.

Schr Globe, Cameron, Washington, NC, 5 days.

Schr Washington, Perew. Washington, NC, 4 days.

Schr Washington, Perew. Washington, NC, 4 days.

Schr Washington, Perew. Washington, NC, 4 days.

Schr J B Bleecker, Simons, Washington, 6 days.

Schr J B Bleecker, Simons, Washington, 6 days.

Schr Howard, Howard, Norfolt, 3 days.

Schr Howard, Howard, Norfolt, 3 days.

Schr Hiza, Lawence, Harwich, 3 days.

Schr Hiza, Lawence, Harwich, 3 days.

Schr Red Rover, Robinson, Stratford, Ct, 1 day.

Schr Highlander, Nickerson, Albany, for Boston.

Stoop Sterling, Paulding, Bridgeport, for Albany.

Steamer Kennebec, Clark, Philadelphia.

SAILED.

SAILED.
Ships Contest (clipper), San Francisco; Saratoga, Liverpool; Wiccossin, San Francisco; St Louis, New Orleans; and others.
Wind at sunrise, NNW; sunset, W.

[By Sandy Hook Printing Thingraph.]
The Highlands, July 6—Sandown.
The outward bound ressels have all gone to sea. One
big, and a square rigged vessel in the offing.
Wind light from the South. Weather clear.

Memoranda.

The brig Zeno, at this port, built in Gardiner. Me, 222 tons, 51% years old, has been sold for about \$7,000.

Bot off and would preceed to Nassau.

Herald Harine Correspondence.

PHILIDERPHA, July 6—4 PM.

Arrived—N Holmes, Godfrey, Providence; Columbia, Nicholson, Pawtucket; Shenandoah, Ingersoll, Norwich; H H Tallman, Young, Haddam. Ct; Meridian, Wood, Blue Hill, Ct; Virginia, Bennett, Fall River; Aleyona, Whitker, Norwich, Silvia E, Bourne, Sandwich; Larkin, Churbuck, Wareham; steamer Delaware, Clark, NYork.

Cleared—Steamalin State of Georgis, Collins, Savannah; ships Philadelphia, Poulke, Liverpool; Elizabeth, Bliss, Miramichi; Oceana (Ner), Stephenson, St John, NB, bark Eagle, Baker, Boston; brigs Mail, Berry, do; Florida, Hanestrup, Port Spain (Trindada), Wm Crawford, Perry, Wareham; Saml B, Talpy, Portamouth; schra Louise & Margaret, Pugh, Barbadoes; Castilian, Morgan, Beston; Virginia, Bennett, and Aloyona, Whitaker, Fall River; Larkin, Churbuck, Wareham; Globe, Matthews, Boston; Virginia, Bennett, and Aloyona, Whitaker, Fall River; Larkin, Churbuck, Wareham; Globe, Matthews, Boston; Slyia E, Bourne, Nantucket; Adeline, Howes, Boston; W R Genn, Nye, New Becford; E S James, Westoott, and W Mercier, Hand, Boston; N Holmes, Godfrey, Fall River; Columbia, Nicholson, New Haven; Cora, Brown, Cambridgeport; Lowell, Diss, Boston; Shenandoah, Ingersoll, Providence; steamer Delawarc, Clark, NYork.

Disasters.

Shir Gondal, partially destroyed at Charleston by fire, has been pumped out, and the remaining cargo will be discharged. It is supposed her upper works may be advantageously rebuilt, and she again be made seaworthy.

yantageously rebuilt, and she again be made seaworthy.

BARK WM SCHRODER, at Salem 3d from Rio Grande, was
in contact 1st iest, 10 PM, off Cape Cod. with an outward
bound herm brig, name unknown, and lost jibboom and
starboard cathead; damage to brig not ascertained.

BR BARK BERKRIIKE, from Sandwich Islands for New
Bedford, before reported at Navigator Islands in distresse,
is now said to have put in en account of mutiny among
the crew; that she would proceed to Sydney, NSW, and
abip her oil to the United States by another vessel.

BRIG ANGELINE, of Boston, which capsized and sunk off Neversink, was a good vessel, valued at about \$5.000. There is insurance in Boston on one half; the other is not insured.

BRIG BRIJAMIN, from Philadelphia, with coal, which filled and sunk on the west side of the channel abreast of the Brandywine Bank, most probably the collier herm previously reported sunk below Fourteen Foot Bank.

'BRIG PENNAMAQUON, of Boston, from Newport, RI, for Rio Janeiro, was spoken 26th ult, lat 29 51, lon 57 25, with loss of mainmast and foretogallant mast; had a jury mast rigged; would put into St fhomas to repair.

BR SCHE MARY ELLEN, McDonald, belonging to Vernon River, Prince Edward Island, has been totally wrecked on Seal Islands, in the Bay of Fundy. She had on board a quantity of goods and rum, and was from Boston, bound to Souris and Charlottetown. Crew saved.

Ship Imak Walton, hamos for Canton vis before). April 5, lat 40 46 8 les 16. E. An Am ship steering SE, sho ring: Magoum pal (supposed the Greenwich, from B. ston is Francisco), was signalized 3d uit, lat 27.25, ic A ship steering SE, showing a white sh; ma D in centre, was passed June 28, lat 28 19 40

A ship steering SE, rhowing a white shanal with a red D in centre, was passed June 28, lat 33 12 lon 68 40. Bark Velocity, from Boston for Charleston, 4th inst, 10 AM. Chatham NW 16 miles.
Bark Peri, 7 days from Perticul for Havana, 26th ult, lat 29 56, lon 65 14.
Bark Frances & Louisa, of New York, from Elahmond for Rie Janeiro May 30, lat 11 40 8, lon 32.
Brig Sarah, Griffin, from Boston for St Thomas, July 1, Cape Cod NW by N 60 miles.
Brig Aurelia, Eldridge, from Boston for Aux Ceres, June 21, lat 22 10, lon 64 29.
Brig Venus, Dulley, of and from New York for Elmanton, Ja. was passed June 29, lat 33 52, lon 67 50.
Schr Heary, Newhall, from Salem (June 20) for Sam Francisco, March 6, lat 1 30 N, lon 27.

Francisco, March 6, lat 1 30 N, lon 27.

Forrègra Ports.

Aux Cayes—in port June 13, schrs Bloomer, Tucker, for Beston, 6 days; Henry Devereux, Sullivan, for de 10.

Bafradores—Arr May 9 schr John R Mather, Avery, Alexacria.

Caye Haytran—in port June 22, brig C Winsor, Percival, for Boston 10 days.

Cardenas—Sid June 20, brig Vermont, Dagrett, Richardon, Boott 28th, barks Chilton, Peanell, NYork; Louise & Carolive, Raven, do. In port, barks Ortona, Richards, for do 16 caye; Vesta, Percy, and Northwood. Plakham, do 6; Nazurene, Pendleton, do 11; brigs Xenophon, Wording, so 4; Nithecay, Harriman, do next day; Gee Harris, Forter, for Philadelphia 4; Fortland, Saulocc. de 3, (before reported for NYork.)

At do 27th, brig Eliza Ann, Chase, ldg sugar for NYork, gets 36 per hhd sugar and 2% per hhd for molasses on deck.

At do 26th, bark N G Hitchborn, M'Gilvery, for NYork.

Harris, Forter, for Philadelphia 4; Portland, Sallocd. des 5, (before reported for NVork.)
At do 27th, brig Eliza Ann, Chase, ldg sugar for NVork, gets \$6 per lahd sugar and 2% per lahd to molasses on deck.
At do 28th, bark N G Hitchborn, M'Glivery, for NYork, 5 days; brigs Edwin, Morton, and W. F. Safford, Boynton, for do ldg.
Christingos—In port, abt June 20, barks Maddarin, Campbell, for NYork 5 days, M B Stetson, Harding, ding.
Christingos—In port, abt June 20, barks Maddarin, Campbell, for NYork 5 days, M B Stetson, Harding, for Boston abt 20th July; brig Sarah Williams, 69th, from do, 10 commence sig 27th for do.
Cambinas (Guba)—Sld June 15, bark John Henry, Meses, London (not as before).
CCHALAO—Sld June 6 Br schr Charles, Boston.
CAPE Town, CHH—In port May 16, ships Stam, Ring, rom Maulis for NYork, put in with loss of foremast, and mainmast sprung; had got in a new foremast, and would sail in about a week; Faneuil Hall, Bangs, for Calcutta 18 days; bark Tremont, Taylor, dieg, to sail on her return abt June 1 Art 3d, ship Sterling, Rowell, from Sucastra, card sid 5th for Gibraltar).
At 8t Simon's Bay abt May 14 bark Phenix, Wade, from NYork Jan 30 for Australia, put in 3d, both masts sprung, saking badly, and would probably be condemned.
At algoe hay 10th, Br brig Unity, Way, from Bostom (Jan 28), arr 4th.
BARDOR Braad—In port abt June 22, sech H R Barnes, Avery, for NYork, unc, said to be the only Amvessel.
HAYAMA—Sld June 26, bark Matanasa, Europe; 28th, ship Bydra, Lunt, Matanasa and Cowes. Cid 28th, bark-John Carver, Porter, New York; brig P Soule, Wilson, New Orleans of Path and 31½ per box; Geo Henry, Frendeton, for o, takes 30 hydr sugar at 86 per lahd, capacity, five box; Geo Henry, Frendeton, for do, takes 30 hhds sugar at 55% and his sugar at 86 per lahd, capacity, five box; Geo Henry, Frendeton, for O, takes 30 hhds sugar at 55% and his sugar at 55% are had, and 31½ per box; Geo Henry, Frendeton, for Shark Hotolar, Frender, for Shark Berbann, Jor Nyork, wig cargo.
Hay 20, 10 per 10 per 10 per

ST STEPHEN—AIT June 23, ships Lochinvar, Lufkin, New York.
WINDSOR—AIT June 23, brig Esther Elizabeth. Shackford, NYork. Sid 26th, brig Gladiator. Saiter, NYork.
SAGUA—In port abt June 26, ship "Emblem, from Havana." (probably the M de Embli, Percy, for London); bark Carlo Mauran, Tillinghast, for NYork T days, Maines Law, Deming, for do 2 (has been reported sid 23d); Star, Pillisbury, from 60; brigs Caroline, Bryant, de: John Bird, Bird, for do 7 or 8; Azores, Battle, do 4; Zenobia, Cartion, for Beston 6.

Sr. Harana—In port June 1, ship Severn, Garduer, from Calcutta Feb 20, of and for NYork next day; bark Maide of Orleans, Wallis, from Mauila Feb 28, for Salem next day.

Home Ports.

BALTIMORE—Arr July 5, steam ships, Palmetto, Jack-

of Orleans, Wallis, from Mauita Feb 28, for Salem next day.

Home Ports.

BALTIMORE—Arr July 5, steamships, Palmetto, Jackson, Charleston; Totten, Kellogg, NYork; ship Post (8r), Haake, Bremen May 19; barks Delawarian, Woodbura, Rio de Jeneiro May 21; Bata (Rem), Gustavus, Bremen May 17; brigs Vincennee, Moore, Eastport: JR Navins, Berson, Calais; Leni, Laman, Eastport; schrs Wen P Buckman, Smith, Eastport; Julia Aun, Harding, Beston; JP J hason, Smith, Bangor; Siam, Durbam, Charleston; Alcebaran (Br), Kinney, Barzington, NS; Itas, Laney, Kashport; Sea Guil (new), Howland, Providence Cid, ship Beveriy, Chaic, Shanghai; barks Union, Kendrick, Boston; Bay State, Spartow do; schrs Grace Caroline, Kelsey, Troy: Ann Elizabeth, Nyork.

BOSTON—Arr July 4, steamer City of New York, Mathewa, Philadelphia; ship Katahdin, Bickford, (late Morse, Gecased), Norlease: barks Edwin, Oorliss, Hussec Mch 26; Glasgow (Br), Hattleid, Glasgow; Franklin, Cook, Trinidad 12th uit, Lowel Loveland, Pensacols; M F Slade, Baker, Baltimore; brigs Wm Moore, Faton, Sagua Shu uit; Abigail & Maria, Spurling, Cardensa 18th uit; Melaszo, Nichola, Philadelphia; Tyrone, Strout, do; Johnson, Ceole (Br), Hoj; (late Starratt, deceased), Aux Cayes 13th uit; Rugenie, Lovell, Wilmington, NC; Brilliant, Drisko, and Geo J Jones, Look, Philadelphia; Eliza Lawton, Robbins; Mary & Ersily, Snow: Lancet, Case, and Cabot, Nickerson, NYork, Slad bark Zion, Reynolds, Baltimore; brigs Lydia, and Wm Pitt.

Arr 5th, barks Springbok, Hurd, Cape Town, CGH, May 28, Laurillia, Cook, Cape Haytien June 22; J Hinckley, Johnson, Havana 20th; Edward, Dimmick, Clenfregoe 13th; schrs Marietta Burr, Nickerson, Georgetown, DC; Harrah D, Nickerson, Nyork, Signal for a shis with painted porte, a bark, and four brigs. Cld bark Charleston; brigs Splvina, Berry, Lanzerotte, Canary Islands, May 28, Laurillia, Cook, Cape Haytien, June 22; J Hinckley, Johnson, Havana 20th; Edward, Dimmick, Cienfregoe 13th; schrs Marietta Burr, Nickerson, Georgetown, DC; Harrah D, Nickerson, Nyork, Signal

brig R Patterson, Celcord, and schr D Maloney, Whilden, of a Northern port.

CALAIS—Arr June 28, schr Tomah, Keen, Philadelphia.
Cid 24th, schrs St Leon, Greenlaw, NYork; Edwin, Barber.—; 28th, bark Gambia, Rackleff, Africa: brig Chas Thomas, Saunders, Philadelphia: schrs Sarah, Talbot, and Hampton, Gilchrist, do; 30th, Hudson, Sawyer, York.

DIGHTON—Arr July 1, schr C R Vickery, Philadelphia.
FALL RIVER—Sid July 1, schrs Mary Elizabeth, and Gazelle, Philadelphia.
Galveston—Arr June 22, ship Hampton, Young, Hamburg.

FAIL RIVER—Ski July 1, schrs Mary Elizabeth, and Gazelle, Philadelqhia.

GALVESTON—Arr June 22, ship Hampton, Young, Hamburg.

INDIANOLA—Sid prev to June 14, schr W M Baird, Crowell, Yucatan, to load for Boston.

JACKBONVILLE—Arr June 27, schr Challenge, Smith, NYork. Cld 25th, brigs Zavalla, Frieud, Brunswick, Mej, Rebecca and Frances, Boddsh, Kennebunk; 28th, bark Hy Kelsey, Curtis, Navy Bay; brig Sarah Wooster, Wooster, NYork.

KENNEUNK—Arr June 27, schrs Jacob & William, Mathews, Georgstown, SC; 30th, brig Harriet, Spear, Potomac river, At anchor outside, schr Chas Hill, from Georgscown, SC,

LUEEZ—Arr June 25, schr Melville, McGregor, NYork. Sid 25th, schr Columbia, Ramsdell, NYork.

NEW ORLEANS—Arr June 29, Sr. schr Clyde, Sweeter, Nassan, NP; schr Diamcod, Mack, Pensacola. Cld steamship Yacht, Ducey, Brazos, Santiago; ship Falcon, Wade, London; barks Goldfareb, Ryder, Nyork; Kelautins, Glesson, Marseilles; schrs Burissa, Taylor, Mobile; Oregon, Trenia, Tampico.

NEW BEDFORD—Arr July 4, brig Billow, Lapham, Sb Marys, Ga; schrs Race, Rock, Philadelphia; T B Smith, Albany; Cornella, Nyok; 5th, G C Gibbs, Philadelphia.

Sid 5th, schr Sarah, Nyork.

NEWBURYPORT—Arr July 2, schr Golden West, Dixon, Philadelphia.

Schrs Iowa, Wheelright, and Grecian, Fuller, Bangor; Lowell, Blas. Boston. Gld steamer Kennebec, Hand, Nyork; brig Flanot, Gudson, PENSACOLA—Arr prev to June 28, bark Hamilton, Prinsholls. Cld skip Dublin, Skolfakil, Boaton; schrs Julia, Corzens, and Alvarado, Chadwick, Philadelphia.

SALEM—Arr July 3, bark Wm Schroeder, Manning, Rio Grande May 6; brig Planot, Ryder, Port Praya, Cape Verds; 4th, schr Globa, Swift, Nyork.

WALDOBORO—Arr July 1, schrs Pemaquod, Shorec, and Orbit, Gudsorth, NC,

Ship Tremountain, from NOrleans for Liverpeol, June 25, lat 24 20, lon 80 46.

Telegraphic Marine Report.
Boston, Arrived—Ship Holyoke, Liverpool; bark Sarah B Hale, Cardenas; Dutch galliot Hope & Vawatching, Rotterdam; brigs Bencia, St Jago; R W Parker, NYork; schrs W P Phillips, Philadelphia; Alpine, NYork.

Also arrived—Henry S Barnes Eleuthera, June 27. Left schr Marietta Smith, for NYork, 3 days. The schr Nelson Wilde had been ashore at New Harbor Island, but got off and would preceed to Nassau.